

REMARKS

Claims 7, 12 and 13 are presented for consideration, with Claim 7 being independent.

Claim 7 has been amended to further distinguish Applicant's invention from the cited art.

Claims 7, 12 and 13 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Weigl et al. '945. This rejection is respectfully traversed.

Claim 7 of Applicant's invention relates to a detection method for detecting a plurality of different substances contained in a specimen using a same label. The method comprises sequentially the steps of flowing the specimen through a detecting element having a first substance trapping portion immobilizing a first substance trapping body for specifically trapping a first substance contained in the specimen, a second substance trapping portion immobilizing a second substance trapping body for specifically trapping a second substance contained in the specimen, the second substance being different from the first substance, and a channel, with the first substance trapping portion being different than the second substance trapping portion, and flowing a solution containing the label through the first substance trapping portion immobilizing the first substance trapping body and the second substance trapping portion immobilizing the second substance trapping body. Additional steps include flowing a solution for generating a signal from the label through the first substance trapping portion immobilizing the label such that a first layer of aqueous solution flow through the first substance trapping portion and a second layer of aqueous solution flow through the second substance trapping portion coexist while a third layer of alcoholic solution flow exists between the first layer of aqueous solution flow and

the second layer of aqueous solution flow and that the solution for generating a signal from the label forms the first layer of aqueous solution flow, to thereby acquire a signal from the first substance trapping portion, and flowing a solution for generating a signal from the label through the second substance trapping portion immobilizing the label such that a first layer of aqueous solution flow through the first substance trapping portion and a second layer of aqueous solution flow through the second substance trapping portion coexist while a third layer of alcoholic solution flow exists between the first layer of aqueous solution flow and the second layer of aqueous solution flow and that the solution for generating a signal from the label forms the second layer of aqueous solution flow, to thereby acquire a signal from the second substance trapping portion.

In accordance with Applicant's invention, a high performance detection method for detecting a plurality of different substances contained in a specimen using a same label can be provided.

The patent to Weigl et al. relates to an extraction device that uses an extraction stream to remove particles contained in a sample stream. In the embodiment shown in Figure 4, a sample stream 2 enters through an inlet 1, and an extraction stream 4 enters through an inlet 5. Particles of different sizes (small, medium, large) exit in product streams 25, 28 and 31. A by-product stream 12 in feed exit channel 10 is said to contain particles of small, medium and large sizes.

In contrast to Applicant's claimed invention, however, Weigl et al. is not understood to teach or suggest, among other features, a first layer of aqueous solution flow through the first

substance trapping portion and a second layer of aqueous solution flow through a second substance trapping portion that coexist, and that the solution for generating a signal from the label forms the first (or second) layer of aqueous solution flow. As understood, in Weigle et al. a single stream exists for trapping the particles. Moreover, Weigle et al. is not read to teach or suggest detecting a plurality of different substances contained in a specimen using the same label. In this regard, the Examiner's attention is respectfully directed to Weigle et al.'s disclosure that "a plurality of analytes can be measured simultaneously because the beads can be tagged with different reporter molecules" (see column 36, lines 41-43). Therefore, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 102 is respectfully requested.

Accordingly, it is submitted that Applicant's invention as set forth in independent Claim 7 is patentable over the cited art. In addition, dependent Claims 12 and 13 set forth additional features of Applicant's invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

REQUEST FOR INTERVIEW

Applicant respectfully requests a personal interview in the subject application. If the above remarks and claim amendments do not serve to place the application in condition for allowance, the Examiner is respectfully requested to contact Applicant's

undersigned representative at the telephone number listed below for the purpose of scheduling the interview.

CONCLUSION

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Scott D. Malpede/

Scott D. Malpede
Attorney for Applicant
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

SDM:jah

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